

and interests from a growing Iranian threat. I know I speak for the entire Senate when I say that my prayers are with all American diplomats, personnel, and brave servicemembers serving in Iraq and in the Middle East. I am grateful for their courageous service to protect our country.

Right from the outset of this new year, it is already clear that 2020 will require the Senate and our whole Nation to redouble our resolve to keep America safe in this troubled world.

IMPEACHMENT

Mr. MCCONNELL. Mr. President, on an entirely different matter, of course, we also anticipate that another totally different, very serious item will be heading the Senate's way soon. The Senate will have to address some of the deepest institutional questions contemplated by our Constitution. We will have to decide whether we are going to safeguard core governing traditions or let short-term partisan rage overcome them.

Back in December, I explained how House Democrats' sprint into the most rushed, least fair and least thorough impeachment inquiry in American history has jeopardized the foundations of our system of government.

Last spring, Speaker PELOSI told the country: "Impeachment is so divisive to the country that unless there's something so compelling and overwhelming and bipartisan, I don't think we should go down that path." That was the Speaker less than a year ago.

Back in 1998, when Democrats were busy defending President Clinton, Congressman JERRY NADLER said:

There must never be a narrowly-voted impeachment, or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy.

Congressman JERRY NADLER said this 20 years ago. That was, obviously, the standard when a Democrat was in the White House, but, ultimately, House Democrats cared more about attacking President Trump than keeping their promises. So they rushed through a slapdash investigation. They decided not to bother with the standard legal processes for pursuing witnesses and evidence. There was not enough time to do that.

Chairman ADAM SCHIFF told the entire country on national television that getting court decisions takes a long time and he did not want to wait. It takes a long time to go to court. So they just plowed ahead—plowed right ahead with a historically weak case—and impeached a duly elected President with votes from just one—just one—political party.

Democrats have let Trump derangement syndrome develop into the kind of dangerous partisan fever that our Founding Fathers were afraid of.

Just before the holidays, this sad spectacle took another unusual turn.

As soon as the partisan impeachment votes had finished, the prosecutors began to develop cold feet. Instead of sending the articles to the Senate, they flinched. They flinched.

That is right. The same people who had just spent weeks screaming that impeachment was so serious and so urgent that it couldn't wait for due process now decided that it could wait indefinitely while they checked the political winds and looked for new talking points.

This is yet another situation where House Democrats have blown right past the specific warnings of our Founding Fathers.

Alexander Hamilton specifically warned about the dangers of a "procrastinated determination of the charges" in an impeachment. He explained it would not be fair to the accused and it would be dangerous for the country. Speaker PELOSI apparently does not care. Her conference is behaving exactly like the "intemperate or designing majority in the House of Representatives" that Hamilton warned might abuse the impeachment power.

So as House Democrats continue their political delay, they are searching desperately for some new talking points to help them deflect blame for what they have done. We have heard it claimed that the same House Democrats who botched their own process should get to reach over into the Senate and dictate our process.

We have heard claims that it is a problem that I have discussed trial mechanics with the White House, even as my counterpart, the Democratic leader is openly coordinating political strategy with the Speaker, who some might call the prosecution.

So it is OK to have consultation with the prosecution, but not, apparently, with the defendant.

We have heard claims that any Senators who formed opinions about House Democrats' irresponsible and unprecedented actions as they played out in the view of the entire Nation should be disqualified from the next phase. Obviously, this is nonsense—nonsense.

Let me clarify Senate rules and Senate history for those who may be confused.

First, about this fantasy that the Speaker of the House will get to hand-design the trial proceedings in the Senate, that is, obviously, a nonstarter.

What I have consistently said is very simple. The structure for this impeachment trial should track with the structure of the Clinton trial. We have a precedent here. That means two phases.

First, back in 1999, the Senate passed a unanimous bipartisan resolution, 100 to nothing, that set up the initial logistics, such as briefs, opening arguments, and Senators' questions.

It stayed silent on midtrial questions, such as witnesses, until the trial was actually underway. That was approved 100 to 0.

Somewhat predictably, things started to diverge along party lines when we considered those later procedural questions, but the initial resolution laying out the first half of the trial was approved 100 to 0.

I believe we should simply repeat that unanimous bipartisan precedent at this time as well. That is my position. President Trump should get the same treatment that every single Senator thought was fair for President Clinton. Just like 20 years ago, we should address midtrial questions, such as witnesses, after briefs, opening arguments, Senator questions, and other relevant motions. Fair is fair.

Let's discuss these lectures about how Senators should do our jobs. The oath that Senators take in impeachment trials to "do impartial justice according to the Constitution and laws" has never meant that Senators should wall themselves off from the biggest news stories of the Nation and completely ignore what the House has been doing. The oath has never meant that Senators check all of their political judgment at the door and strip away all of our independent judgment about what is best for the Nation. It has never meant that, and it never could.

The Framers debated whether to give the power to try impeachments to a court or to the Senate and decided on the Senate precisely because impeachment is not a narrow legal question—impeachment is not a narrow legal question—but a deeply political one as well. Hamilton said this explicitly in Federalist 65.

Impeachment requires the Senate to address both legal questions about what has been proved and political questions about what the common good of our Nation requires.

Senators do not cease to be Senators just because the House sends us Articles of Impeachment. Our job remains the same—to represent our States, our constituents, and our Nation's best interests in the great matters of our time. That is our obligation whether we are voting on legislation, nominations, or the verdict in an impeachment.

Twenty years ago, I would add, Democrats understood all of this very well. President Clinton had obviously committed an actual felony. President Clinton had actually committed a felony. If Democrats actually believed in the narrow sense of impartiality they have now adopted as a talking point, then every single one of them would have voted to remove President Clinton from office. Oh, no. Instead, a majority of the Senate decided that removing President Clinton, despite his proven and actual crimes, would not best serve the Nation. They made a political judgment. By the way, back then, leading Democrats had zero—zero—objections to Senators speaking out before the trial.

The current Democratic leader, Senator SCHUMER, was running for the Senate during the House impeachment

process back in 1998. He voted against the articles both in the House Judiciary Committee and on the House floor. Listen to this, a major part of his Senate campaign that year was literally promising New Yorkers in advance—in advance—that he would vote to acquit President Clinton.

People asked if it was appropriate for him to prejudge like that. He dismissed the question, saying: “This is not a criminal trial but . . . something the founding fathers decided to put in a body that was susceptible to the whims of politics.” That was the Democratic leader in the 1998 Senate campaign that. That was the newly sworn-in Senator SCHUMER in 1999.

A few weeks later, during the trial itself, Democratic Senator Tom Harkin successfully objected to the use of the word “jurors” to describe Senators because the analogy to a narrow legal proceeding was so inappropriate, according to Senator Harkin.

I respect our friends across the aisle, but it appears that one symptom of Trump derangement syndrome is also a bad case of amnesia—a bad case of amnesia.

No Member of this body needs condescending lectures on fairness from House Democrats who just rushed through the most unfair impeachment in modern history or lectures on impartiality from Senators who happily prejudged the case with President Clinton and simply changed their standards to suit the political winds.

Anyone who knows American history or understands the Constitution knows that a Senator's role in an impeachment trial is nothing—nothing like the job of jurors in the legal system. The very things that make the Senate the right forum to settle impeachments would disqualify all of us in an ordinary trial. All of us would be disqualified in an ordinary trial.

Like many Americans, Senators have paid great attention to the facts and the arguments that House Democrats have rolled out publicly before the Nation. Many of us personally know the parties on both sides.

This is a political body. We do not stand apart from the issues of the day. It is our job to be deeply engaged in those issues, but—and this is critical—the Senate is unique by design.

The Framers built the Senate to provide a check against short-termism, the runaway passions, and “the demon faction” that Hamilton warned would “extend his sceptre” over the House of Representatives “at certain seasons.”

We exist because the Founders wanted an institution that could stop momentary hysterias and partisan passions from damaging our Republic, an institution that could be thoughtful, be sober, and take the long view.

That is why the Constitution puts the impeachment trial in this place, not because Senators should pretend they are uninformed, unopinionated, or disinterested in the long-term political questions that an impeachment of the

President poses but precisely because we are informed; we are opinionated opinion; and we can take up these weighty questions. That is the meaning of the oath we take. That is the task that lies before us.

“Impartial justice” means making up our minds on the right basis. It means putting aside purely reflective partisanship and putting aside personal relationships and animosities. It means coolly considering the facts that the House has presented and then rendering the verdict we believe is best for our States, our Constitution, and our way of life. It means seeing clearly not what some might wish the House of Representatives had proven but what they actually have or have not proven. It means looking past a single news cycle to see how overturning an election would reverberate for generations.

You better believe Senators have started forming opinions about these critical questions over the last weeks or months. We sure have, especially in light of the precedent-breaking theatrics that House Democrats chose to engage in.

Here is where we are. Their turn is over. They have done enough damage. It is the Senate's turn now to render sober judgment as the Framers envisioned, but we can't hold a trial without the articles. The Senate's own rules don't provide for that. So, for now, we are content to continue the ordinary business of the Senate while House Democrats continue to flounder—for now.

If they ever muster the courage to stand behind their slapdash work product and transmit their articles to the Senate, it will then be time for the U.S. Senate to fulfill our founding purpose.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 555.

The ACTING PRESIDENT pro tempore. The question is on the motion.

The motion was agreed to.

The clerk will read the nomination.

The senior assistant legislative clerk read the nomination of Jovita

Carranza, of Illinois, to be Administrator of the Small Business Administration.

CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The ACTING PRESIDING pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jovita Carranza, of Illinois, to be Administrator of the Small Business Administration.

Mitch McConnell, John Boozman, Joni Ernst, Kevin Cramer, David Perdue, Steve Daines, Thom Tillis, Roger F. Wicker, James E. Risch, Cindy Hyde-Smith, Lisa Murkowski, Pat Roberts, Richard C. Shelby, Deb Fischer, James Lankford, Chuck Grassley, Mike Rounds.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 3148

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3148) to amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. An objection being heard, the bill will be placed on the calendar on the next legislative day.

LETTER OF RESIGNATION

Mr. McCONNELL. Mr. President, I understand the Chair received a letter of resignation of the former Senator